

REMARKS

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4 1. This Preliminary Amendment is being filed together with a request under 37
5 C.F.R. § 1.53(d) for a continuation prosecution application based on the '676 Application.
6 This Preliminary Amendment is being mailed by Express Mail, Mail Label No. EV
7 255345324 US addressed to Mail Stop CPA, Commissioner for Patents, P.O. Box 1450,
8 Alexandria, Virginia 22313-1450 on July 15, 2003. The '676 Application has been approved
9 and a Notice of Allowance was mailed on April 18, 2003. The date to pay the issue fee is
10 therefore July 18, 2003. Therefore, this continuation application is timely filed pursuant to
11 MPEP 201.11 since the parent case is co-pending. The Applicants have decided that they do
12 not wish to have the allowed claims as allowed in the presently pending case but does wish to
13 have additional new claims which are being submitted through this continuation application.

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15 2. In the parent '67 Application, Claims 5 through 8 are pending. In the Notice
16 of Allowance, the Examiner stated that Claims 5 through 9 were allowed. It is respectfully
17 submitted that this is a mistake since there are only Claims 5 through 8 pending, the new
18 claims of invention in this application begin with Claim 9. Also, pursuant to an amendment
19 filed in the parent case, the correct title for this application should be "APPARATUS FOR
20 GUIDING SUTURES THROUGH A MEMBRANE WALL NEAR THE EDGE REGION
21 OF AN OPENING PROVIDED THEREON". Therefore, the wrong title was set forth on the
22 Notice of Allowance and it is respectfully requested that on the filing receipt for the
23 continuation application, the correct title be set forth.

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25 3. The original '676 parent application and this continuation application claim
26 priority back to PCT Application PCT/DE00/03118 and a German Patent of Addition
27 Application No. 100 53 884.3. With respect to the claims of invention, in the original
28 application there were four pending claims of invention, Claims 5 through 8, which were

allowed but which are not being issued pursuant to the decision not to pay the issue fee.

1 However, the newly set forth claims correspond to claims which have already been allowed
2 in the parent cases. Specifically, Claims 9 through 35 have been allowed in the PCT
3 Application PCT/DE00/03188 and Claims 36 through 45 have been allowed in the German
4 Patent of Addition No. 100 53 884.3. Therefore, it is respectfully submitted that these claims
5 should also be allowed in the United States. The claims are substantially the same as those
6 set forth except redrafted to be in the United States format.
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8 4. In addition, the assignee of the Applicant which is GIP Medizintechnik GmbH
9 has changed its name to Medi-Globe GmbH. Accompanying this continuation application is
10 a copy of a German document translated into English setting forth the fact that the
11 corporation has changed its name from GIP Medizintechnik GmbH to Medi-Globe GmbH.
12 The original name change document is being submitted under separate cover to the
13 Assignment Recordation Services department along with a check for \$40.00 to record this
14 name change. It is respectfully requested that when the patent is issued, the assignee should
15 be listed under its new name Medi-Globe GmbH.
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17 5. The Applicant has appointed a new attorney to prosecute this application.
18 Concurrently with the filing of this continuation application, the Applicant submits a new
19 Power of Attorney appointing Thomas I. Rozsa, Registration No. 29,210 and Tony D. Chen,
20 Registration No. 36,998, of the Law Firm of Rozsa & Chen LLP to prosecute this
21 application. In the event the Commissioner for Patents should determine that any fee is due
22 for properly recording the new Power of Attorney, the Commissioner for Patents is hereby
23 authorized to charge my Deposit Account No. 18-2222 for the appropriate fee. The Power
24 of Attorney is by the officer of the assignee Medi-Globe GmbH which is the new name of the
25 assignee GIP Medizintechnik GmbH as set forth in Paragraph 4 immediately above.
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27 6. Through this Preliminary Amendment, Claims 5 through 8 have been
28 cancelled and a new series of Claims 9 through 45 of which 2 are independent claims have

1 been added. Therefore, the '676 Application now has 2 independent claims and 37 total
2 claims. Therefore the filing fee for this continuation application is \$528.00. Since the
3 application is a continuation of the previous application which was assigned to GIP
4 Medizintechnik GmbH whose name is now Medi-Globe GmbH, it is believed that no
5 additional assignment fee is due. Therefore, a check in the amount of \$528.00 is enclosed for
6 the filing fee for this continuation application for this number of claims. Therefore, it is
7 believed that no additional fee is due. However, In the event that the Commissioner for
8 Patents should determine that any additional fee is due, then the Commissioner for Patents is
9 hereby authorized to charge Deposit Account Number 18-2222 for such appropriate fee.
10 Also, in the event the Commissioner for Patents should determine that any extension of time
11 is necessary for this continuation application to be timely filed, then the Commissioner for
12 Patents is hereby authorized to charge Deposit Account Number 18-2222 for such
13 appropriate fee.

14 Respectfully submitted,

15 Date: July 15, 2003
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